

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

VINCENT A. CAULFIELD,

Defendant.

CASE NO. 8:08CR453

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 28) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 17). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence seized and statements made as a result of an August 26, 2008, search of an apartment in which the Defendant was staying as an overnight guest.¹

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 18, 19) and the transcript (Filing No. 32). Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

Judge Gossett concluded: the law enforcement officer entered the apartment with the consent of the “owner” of the apartment, Corbin Brown; the officer had a reasonable belief that Brown had authority over the area to be searched; the entry into the apartment

¹Judge Gossett concluded that the Defendant had standing to contest the seizure of the evidence.

did not violate the Fourth Amendment; no statements were made that would be subject to suppression; and the Defendant was not in custody during the relevant time period.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 28) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 17) is denied.

DATED this 8th day of April, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge